

**U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
3028 E. Main Street
Canon City, CO 81212**

ENVIRONMENTAL ASSESSMENT

NUMBER: DOI-BLM-CO-200-2009-0020 EA

CASEFILE/PROJECT NUMBER (optional): COC-72177

PROJECT NAME: Realty – Mountain Broadcasting Communications Use Lease

PLANNING UNIT: Huerfano Subregion #8

LEGAL DESCRIPTION: Huerfano County, 6th Principal Meridian, T. 29 S., R. 70 W., Section 24: Lot 3.

APPLICANT: Mainstreet Broadcasting Company Inc., dba KSPK-FM/TV (KSPK)

ISSUES AND CONCERNS: Comments regarding the proposal were solicited from the other authorized users at this communications site along with the Forbes Wagon Creek Ranch Owners Association. There were no adverse comments received.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

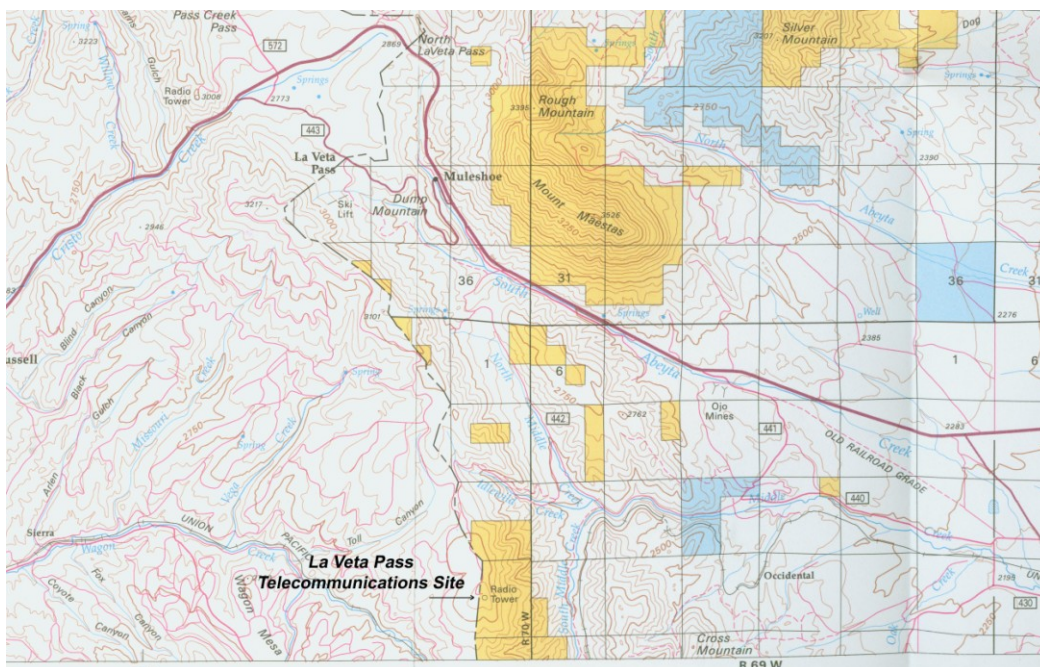
Background/Introduction: The proposal is within an existing authorized communication site right-of-way (the footprint being 200 foot by 200 foot). Two existing authorizations include a communication site held jointly by Public Service Company of Colorado (PSCCO) and Tri State Generation and Transmission Assn. (Tri-State) (COC-22847) and the other held by the State of Colorado (COC-088194). Currently, KSPK subleases space within Tri-State's and PSCCO's building.

The subject land is located 23 miles west of Walsenburg and 5 miles south of the old LaVeta Pass highway.

KSPK is seeking authorization from the Bureau of Land Management (BLM) to place a new 60' tower in order to establish a microwave link from Walsenburg to the top of La Veta Pass and to continue on to Alamosa. The proposed microwave link will be used to transmit video from Walsenburg to Alamosa (via La Veta Pass) and then on from Alamosa to Mount San Antonio to provide programming for KSPK's translator station K47KC located at the summit of Mount San Antonio.

PROPOSED ACTION: Issue KSPK a communications use lease under the provisions of the Federal Land Policy and Management Act of October 21, 1976 for the purposes of television broadcasting to relay video signals from Walsenburg to Alamosa. This site will also relay audio signals between Walsenburg and Alamosa as is currently the use of KSPK's equipment housed within the PSCCO/Tri-State building. The site will be 30 feet by 40 feet (0.03 acres) and will be used for a 10-foot by 10-foot building, a 60-foot freestanding tower and propane tank. Access to the site will be via roads within Forbes Wagon Creek Ranch. A letter dated 8/27/2008 providing for this access is on file with the BLM. A survey plat of the road as it crosses the BLM is attached as Exhibit A. The road is 438.09 feet in length by 18 feet in width or 0.18 acres. The power to the site (aerial) is in place and is also depicted on the survey plat. The power line is 721.04 feet in length and 20 feet in width or .33 acres. A short segment, approximately 40 feet in length and 20 feet in width.02 acres will be buried from the last power pole to the proposed building.

**Map Showing Location of the La Veta Pass Telecommunications Site
(Image taken from the Bureau of Land Management map entitled "Colorado, Blanca Peak")**





The communications lease will be authorized subject to the plan of development dated November 26, 2008 (attached as Exhibit B) and the standard stipulations.

NO ACTION ALTERNATIVE: Reject the application. The applicant would need to find another site location that can provide service to Alamosa or abandon providing service to the community.

ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD:

1. Mainstreet considered an old AT&T tower located just north of U.S. 160 approximately 2 miles west of the summit of La Veta Pass. However, while Mount San Antonio can clearly be seen from the AT&T tower, the AT&T tower is completely blocked towards Walsenburg by Mount Maestas, making a microwave path in that direction completely impossible. The old AT&T tower is also completely blocked towards Alamosa by Mount Blanca, again making a microwave path in that direction completely impossible. Therefore, Mainstreet instead considered the La Veta Pass Site.
2. BLM contacted Tri-State/PSCCO regarding the possibility of upgrading their existing wooden tower and building to accommodate KSPK's proposed use. Tri-State is actively working on issues relative to using La Veta Pass for a new UHF mobile radio repeater location that will provide maintenance coverage for a proposed transmission line planned in the area. They anticipate upgrading the site facilities to accommodate a new UHF radio, a new microwave radio and ancillary equipment in order to integrate the site into their network. Activation of the site upgrades are expected within the next two or three years. Therefore, it would be premature for them to try to accommodate KSPK's proposed use at this time since their requirements are still in the planning stages.

NEED FOR THE ACTION: Mainstreet found that microwave paths from Walsenburg to Alamosa could be made from the LaVeta Pass Site even though a direct path from the La Veta Pass Site is blocked by terrain towards Mount San Antonio. Because Mainstreet believes that it will eventually want to link video from Alamosa back to Walsenburg (besides this proposal to link video from Walsenburg to Alamosa), it chose to apply to construct a new tower at the La Veta Pass Site since this site is the only one that allows for microwave paths between Walsenburg and Alamosa.

PLAN CONFORMANCE REVIEW:

Name of Plan: Royal Gorge Resource Management Plan

Date Approved: 05/13/1996

Decision Number: 8-48

Decision Language: There are areas non-excluded for rights-of-way.

Standards for Public Land Health: In January 1997, Colorado BLM approved the Standards for Public Land Health. These standards cover upland soils, riparian systems, plant and animal communities, threatened and endangered species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. Because a standard exists for these five categories, a finding must be made for each of them in an environmental analysis. These findings are located in specific elements listed below.

AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION MEASURES:

CRITICAL ELEMENTS

AIR QUALITY

Affected Environment: Area proposed is isolated public land with access provided through limited entry private roads. Area is not open for general public use. Air quality in the area is excellent.

Environmental Consequences/Mitigation:

Proposed Action: Proposed action will impact air quality negatively during the construction phase of development. Utilization of the access road, surface disturbance and construction will all impact air quality through the generation of dust related to human activities. These impacts will be temporary and short-term. Once construction is complete and site is functioning, only quarterly visits are anticipated as the site will function remotely. This level of use will not impact air quality above ambient conditions.

Recommended Mitigation Measures: Normal construction practices will serve as adequate mitigation for the short term degradation that should occur during the construction of this project.

No Action: NA

Recommended Mitigation Measures:

Other Alternative:

Recommended Mitigation Measures:

Cumulative Impacts of the Proposed Action: Geographic scope:

CULTURAL RESOURCES

Affected Environment: Both prehistoric and historic sites are present in the vicinity of the area of potential effect. However, no cultural resources were recorded during the cultural resources inventory [see Reports CR-RG-00-23 (N)].

Environmental Consequences/Mitigation: Because no historic properties were found, none will be affected by the proposed undertaking. Therefore, no additional work is necessary.

Environmental Consequences/Mitigation:

Proposed Action: No effect.

Recommended Mitigation Measures: No mitigation necessary.

No Action Alternative: No effect

Recommended Mitigation Measures: No mitigation necessary.

Cumulative Impacts of the Proposed Action: None foreseen.

ENVIRONMENTAL JUSTICE

Affected Environment: The proposed action affects areas that are rural in nature. The land adjacent to these parcels are forested lands with surrounding subdivisions. As a result, there are no minority or low-income populations in or near the project area. As such, the proposal will not have a disproportionately high and adverse human health or environmental effect on minority or low-income populations.

Environmental Consequences/Mitigation:

Proposed Action: None

Recommended Mitigation Measures: Not required

No Action Alternative: None

Recommended Mitigation Measures: Not required

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope:
None

FARMLANDS, PRIME AND UNIQUE

Affected Environment: There are no prime or unique farmlands involved in the proposed action or the alternatives.

Environmental Consequences/Mitigation:

Proposed Action: None.

Recommended Mitigation Measures: N/A

No Action Alternative: None.

Recommended Mitigation Measures: N/A

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope:
None.

FLOODPLAINS, WETLANDS & RIPARIAN ZONES (includes a finding on Standard 2)

Affected Environment: All communication infrastructure described is located on a prominent mountain top far up in elevation from any of these resources. This mountain range divides the Rio Grande and Arkansas basins and locally the area around it serves as a watershed area for several small headwater streams heading east or west. There is no wetland in the high elevation area of the actual tower site. This range is crossed by a railroad, road, and highway within a fairly close proximity and roads accessing the site go through subdivided areas of mostly forested land.

Environmental Consequences/Mitigation:

Proposed Action: No floodplain, wetland or riparian zone is affected by this action.

Recommended Mitigation Measures: None.

No Action Alternative: No affect.

Recommended Mitigation Measures: None

Other Alternative: No affect.

Recommended Mitigation Measures: None

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope:
None

Finding on the Public Land Health Standard for Riparian Systems: No public land riparian resources are in the vicinity of the proposed action.

INVASIVE, NON-NATIVE SPECIES

Affected Environment: The ecological site of the proposed action is prone to invasion by noxious weeds if severe soil surface disturbance occurs. There are no known noxious weeds on the project site.

Environmental Consequences/Mitigation:

Proposed Action: The proposed action will result in the type of surface disturbance that could increase the risk of noxious weeds becoming established, if the site is not reclaimed after construction.

Recommended Mitigation Measures: The reclamation stipulation in the authorization is adequate mitigation.

No Action Alternative: This alternative would not result in surface disturbance.

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope:
None

MIGRATORY BIRDS

Affected Environment: The elevation at the communications site is about 10,000 feet with an annual precipitation of about 20-24 inches. The dominant vegetation is spruce-fir forest with large stands of aspen. As previously stated, the proposed project is within an existing site with the associated disturbance normally found with the authorized use of the site.

The Colorado Bird Conservation Plan identifies 13 vegetation habitat types important to birds in Colorado. The habitat classifications and assignment of bird species to the habitats were developed by Rocky Mountain Bird Observatory (RMBO) staff along with individuals who contributed to early development of the conservation prioritization scheme. Bird species were assigned to specific habitats based on their restriction to, or strong representation within, that habitat type. Of these 13 habitat categories, only 2 (aspen and spruce-fir) are dominant in the project area. Bird species typically found in these habitats are described for each habitat type.

Aspen provides habitat for a variety of wildlife species from large ungulates to small non-game birds and mammals. Because aspen is seral to and is usually mixed with adjacent conifer types, the importance of aspen dominated woodlands to birds and other wildlife far exceeds the aerial extent of the stands themselves. Approximately 134 species of birds are reported to use aspen-dominated habitats. This list includes 34 cavity nesters, 7 canopy nesters, 10 shrub nesters, and 10 ground nesters. Few species are limited to aspen, but some reach their highest breeding densities within this habitat type. Bird communities within aspen stands are often composites of aspen-associated species along with many species found in the surrounding conifer habitats. However, the exact species mix depends on the relative amounts of aspen and conifer in the stand. Perhaps the most important contribution of aspen-dominated woodlands to avian nesting habitat is as a structural substrate for primary cavity excavators and secondary cavity nesters. False tinder rot is a major source of heartwood decay in live aspens; it produces a hard sapwood shell surrounding a soft interior that is ideal for cavity excavation. Habitat preferences of primary cavity excavators and the decay characteristics of aspen combine to produce much higher cavity densities in aspen than in surrounding conifer habitats. Species that are typically found in aspen habitats include broad-tailed hummingbird, house wren, Lincoln's sparrow, white-crowned sparrow, dark-eyed junco, violet-green swallow, purple martin, mountain bluebird, Cooper's hawk, western wood-pewee, warbling vireo, red-naped sapsucker, mountain chickadee, pygmy and white-breasted nuthatches, and western bluebirds.

Priority birds in aspen-dominated habitats in Colorado include Broad-tailed Hummingbird, Red-naped Sapsucker, Purple Martin, and Violet-green Swallow.

Spruce-fir forests are found at elevations of 9,000-12,000 ft. Engelmann spruce and subalpine fir are the dominant tree species. Engelmann spruce is found without subalpine fir at the lower elevations, but only on cool, sheltered sites. Lodgepole pine and aspen are often mixed in at lower and middle elevations,

Spruce-fir forests in the Southern Rocky Mountains support fewer insects and insectivorous birds and fewer Neotropical migrants than in other areas of the country. Instead, the avian community in this area has a comparatively large number of seed-eating birds, a reflection of the abundant cone crops available here. Birds commonly found in this forest type include the Gray Jay, Mountain Chickadee, Red-breasted Nuthatch, Ruby-Crowned Kinglet, Hermit Thrush, Pine Grosbeak, and Pine Siskin.

Three species are identified as high priority in Spruce-Fir habitats: Boreal Owl, Olive-sided Flycatcher, and Hammond's Flycatcher.

Environmental Consequences/Mitigation:

Proposed Action: The proposed project is within an already disturbed site and would not involve any new disturbance except for burying 40 feet of electrical line to the new building. The establishment of a new facility would likely result in increased human activity but this would be minimal. Implementing the proposed action would result in a short-term disturbance in the area during construction, but would not impact migratory bird species.

Recommended Mitigation Measures: The Migratory Bird Treaty Act requires that there be no vegetation disturbance from May 15 thru July 15 to protect birds during the nesting season. This measure insures that there is no “take” of migratory birds.

No Action Alternative: This alternative would not impact migratory birds.

Recommended Mitigation Measures: None

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope: The project area is adjacent to a subdivision with numerous roads and substantial human activity. As mentioned previously, establishing an additional communications facility at this site will likely result in an increase in human activity on the access road and at the site. Except for the construction phase, this would be infrequent when maintenance activities were needed.

NATIVE AMERICAN RELIGIOUS CONCERNS

Affected Environment: Although aboriginal sites are present in the vicinity of the area of potential effect, no possible traditional cultural properties were located during the cultural resources inventory (see Cultural Resources section, above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Environmental Consequences/Mitigation: Several cultural resource inventories have been conducted in the area, and no sites that might hold special significance for Native Americans (e.g., traditional cultural properties) were found. However, new inventories will be conducted before initiation of any undertakings that might affect such sites.

Proposed Action: None.

Recommended Mitigation Measures: None

No Action Alternative: Same as Proposed Action.

Recommended Mitigation Measures: None

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope: None foreseen.

THREATENED, ENDANGERED, AND SENSITIVE SPECIES (includes a finding on Standard 4)

Affected Environment: The elevation at the communications site is about 10,000 feet with an annual precipitation of about 20-24 inches. The dominant vegetation is spruce-fir forest with large stands of aspen. As previously stated, the proposed project is within an existing site with the associated disturbance normally found with the authorized use of the site.

The Colorado Bird Conservation Plan identifies 13 vegetation habitat types in Colorado. The habitat classifications were developed by Rocky Mountain Bird Observatory (RMBO) staff along with individuals who contributed to early development of the conservation prioritization scheme. Of these 13 habitat categories, only 2 (aspen and spruce-fir) are dominant in the project area. See the Migratory Bird section for habitat descriptions.

This communications site is within potential lynx habitat although there are no known established den sites in the area. There are no other records of T&E or BLM sensitive species in the area so only Canada lynx will be discussed here.

Canada lynx (*Lynx canadensis*) are medium-sized, bobtailed cats, with a black-tipped tail, large feet, tufted ears, and a grayish coat, with muted spots. They have long legs and large feet, an adaptation to walking on snow. Their main prey are snowshoe hares, but they also eat some carrion and capture ground-dwelling birds (like grouse) and small mammals such as squirrels, porcupines, beavers, and mice.

Lynx populations are cyclic with snowshoe hare population cycles, however, snowshoe hare populations are not thought to be cyclic in Colorado. Lynx require large areas of forest habitat; the species is highly mobile and characteristically disperse more than 60 miles. Estimated home range size for males in the southern range is 58 square miles, and 28 square miles for females. Home range sizes vary by gender and age, prey abundance, season, and population density. As a result, they can colonize suitable but unoccupied habitats, augment existing resident populations, or disperse to habitats where they cannot survive.

Mating occurs in late winter to early spring. Gestation is approximately nine weeks; females produce one litter per year of one to six young. Young open their eyes after ten to 17 days, and they begin to walk at 24 to 30 days. The young remain with the adult female until the following spring mating season. Young lynx may remain together for weeks or months after separating from the female, traveling and hunting co-operatively. Young disperse in the fall or following spring. Individuals are considered sexually mature after approximately two years of age.

Lynx inhabit dense subalpine spruce-fir forests with rock outcrops and large boulders. Lynx habitat in the Southern Rockies is subalpine and upper montane forest zones, between 8,000 and 12,000 feet in elevation, and relocated lynx were found in well-developed riparian and valley wetland shrub habitats of the upper montane and subalpine zones. The core range of Canada lynx is in northern Canada and parts of Alaska below the Arctic Circle. In Colorado, Canada lynx historically occurred above 8,000 feet in elevation in the central mountain areas. The population declined due to habitat fragmentation, poisoning of wolves and grizzly bears, and trapping, among other factors.

Lynx were designated as endangered in Colorado in 1973, the same year that the last known wild lynx was illegally trapped in the Vail area. In 2000, the lynx became a federally listed threatened species. While populations persisted in Colorado and Wyoming, they were not considered to be self-sustaining and were likely to go extinct. Following the initiation of a reintroduction program, 96 lynx were reintroduced into the San Juan and Rio Grande National Forests during the winter and spring of 1998-1999 and 1999-2000. Most of the reintroduced lynx released stayed in the core area: New Mexico state line north to Gunnison, west as far as Taylor Mesa, and east to Monarch Pass. Some lynx have moved into adjacent states. As of 2005, 204 lynx have been reintroduced into Colorado. In the 2005 breeding season, at least 46 kittens comprising 16 litters were born to the reintroduced lynx in Colorado. Tracking of released lynx has shown that some individuals have been traveling thru the project area.

Environmental Consequences/Mitigation:

Proposed Action: The proposed project is within an already disturbed site and would not involve any new disturbance except for burying 40 feet of electrical line to the new building. The establishment of a new facility would likely result in increased human activity but this would be minimal. The normal annual visits to the site, based on communication, with Paul Richards (Main Street Broadcasting staff) on 2/5/2009, is about 4 visits per year. Snow compaction from human activity is a major issue with lynx. Snow compaction allows other species such as coyotes and mountain lions access to lynx habitat. There is a potential for predation and competition if these species interact with lynx. To address this issue the USFWS and USFS set a baseline number and miles of compacted routes allowed in each Lynx Analysis Unit (LAU). Historic uses are allowed to continue. Generally, Mainstreet Broadcasting staff do not visit the site during winter unless emergency repairs are needed. When this occurs, they use a snowmobile to access (pers.com, Paul Richards). Snow on the road is un-compacted almost all of the time and therefore would not impact lynx. Implementing the proposed action would result in a short-term disturbance in the area during construction.

Recommended Mitigation Measures: Avoid winter travel on the access road as much as possible.

No Action Alternative: This alternative would have no effect on potential lynx use in this area.

Recommended Mitigation Measures: None

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope: The project area is adjacent to a subdivision with numerous roads and substantial human activity. As mentioned previously, establishing an additional communications facility at this site will likely result in an increase in human activity on the access road and at the site. Except for the construction phase, this would be infrequent when maintenance activities were needed.

Finding on the Public Land Health Standard for Threatened & Endangered species: The proposed action will have no effect on the public land health standard for threatened and endangered species.

WASTES, HAZARDOUS OR SOLID

Affected Environment: Area proposed is isolated public land with access provided through private lands. The area is not open for use to the public. BLM knows of no history of dumping in the area.

Environmental Consequences/Mitigation:

Proposed Action: The proposed action will not use any ‘hazardous or regulated’ substances in the construction of the proposed facilities. No specific mitigations are necessary. The proposed action does intend to store on site 500 gallons of propane and 12 ‘large batteries’ for emergency power supply. Normal construction and operation practices for the use of these materials will be sufficient mitigation.

Recommended Mitigation Measures:

No Action Alternative: NA

Recommended Mitigation Measures:

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope:
None

WATER QUALITY, SURFACE AND GROUND (includes a finding on Standard 5)

Affected Environment: The proposed communications site lies high on the divide between the Rio Grande and Arkansas River watersheds. Water quality in this area is generally good and there is no surface water nearby.

Environmental Consequences/Mitigation:

Proposed Action: The Proposed Action would add one more tower to an already existing communications site. Due to the dry, upland nature of this area, no surface water would be affected by the Proposed Action.

Recommended Mitigation Measures: None

No Action Alternative: If no action is taken the conditions would stay the same as they currently are.

Recommended Mitigation Measures: None

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope:
None

Finding on the Public Land Health Standard for Water Quality: There are no surface waters affected by the Proposed Action.

WILDERNESS, AREAS OF CRITICAL ENVIRONMENTAL CONCERN, WILD AND SCENIC RIVERS

Affected Environment: The area does not have any public lands with these special designations.

Environmental Consequences/Mitigation:

Proposed Action: No impacts.

Recommended Mitigation Measures: None.

No Action Alternative: No impacts.

Recommended Mitigation Measures: None.

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope:
None.

NON-CRITICAL ELEMENTS

The following elements **must** be addressed due to the involvement of Standards for Public Land Health:

SOILS (includes a finding on Standard 1)

Affected Environment: The soils in this area consist of Lakehelen- Rock outcrop complex-15 to 80 percent slope and Uinta-Lakehelen fine sandy loam 4 to 25 percent slopes. Lakehelen- Rock outcrop complex-15 to 80 percent slope soils are formed in residuum derived from sandstone. The surface is sandy loam underlain with very cobbly sandy loam. Permeability of these soils is moderate. Available water holding capacity is very low, runoff is rapid and erosion hazard is very high. Uinta-Lakehelen fine sandy loam 4 to 25 percent slopes are formed in residuum derived from sandstone. The surface is fine sandy loam and the subsoil is sandy clay loam. Permeability of these soils is moderate. Available water holding capacity is very low, runoff is rapid and erosion hazard is high to very high.

Environmental Consequences/Mitigation:

Proposed Action: The Proposed Action will limit disturbance to a site 30 feet by 40 feet (0.03 acres) and will be used for a 10-foot by 10-foot building, a 60-foot freestanding tower and propane tank. Also, a short segment of electric cable will be buried from the last power pole to the proposed building, impacting an area approximately 40 feet in length and 20 feet in width (.02 acres).

During the construction phase of the project, vegetation would be trampled and soil disturbed that could lead to increased soil movement. Overall soil impacts from this would be minor and short term.

Recommended Mitigation Measures:

- Seed disturbed areas with a weed free native seed mixture at project completion for faster vegetation recovery.
- Construction should take place during a dry period when soils are not muddy.

No Action Alternative: In this alternative there would be no surface disturbance.

Recommended Mitigation Measures: N/A

Other Alternative: N/A

Recommended Mitigation Measures: N/A

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope:

The general area to the east the proposed site has numerous existing roads mostly on private land. The proposed project will be using these roads for access and the power will be provided by existing power lines. This project will add very little to the cumulative impacts to the area.

Finding on the Public Land Health Standard for Upland Soils:

VEGETATION (includes a finding on Standard 3)

Affected Environment: The dominate vegetation of the project site is spruce, fir and aspen. A health assessment of the area was completed in 2007. The vegetation of the site was determined to be meeting the vegetation standard.

Environmental Consequences/Mitigation:

Proposed Action: The impact to vegetation would be very slight due to the small project area. The site would continue to meet the vegetation health standard after the project is completed.

Recommended Mitigation Measures: None required.

No Action Alternative: There would be no impacts to vegetation from this alternative.

Recommended Mitigation Measures: None required.

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope: None.

WILDLIFE, AQUATIC (includes a finding on Standard 3)

Affected Environment: **Affected Environment:** All communication infrastructure described is located on a prominent mountain top far up in elevation from any aquatic habitat. This mountain range divides the Rio Grande and Arkansas basins and locally the area around the site serves as watershed area for several small headwater streams heading east or west. There is no wetland or aquatic habitat in the high elevation area of the actual tower site. This range is crossed by railroad, road and highway within a fairly close proximity and roads accessing the site go through subdivided areas of mostly forested land.

Environmental Consequences/Mitigation:

Proposed Action: No aquatic habitat is affected by this action.

Recommended Mitigation Measures: None.

No Action Alternative: No affect.

Recommended Mitigation Measures: None

Other Alternative: No affect.

Recommended Mitigation Measures: None

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope:

None

Finding on the Public Land Health Standard for Plant and Animal Communities (partial, see also Vegetation and Wildlife, Terrestrial): No aquatic communities are affected by the proposed action or any alternative.

WILDLIFE, TERRESTRIAL (includes a finding on Standard 3)

Affected Environment: The elevation at the communications site is about 10,000 feet with an annual precipitation of about 20-24 inches. The dominant vegetation is spruce-fir forest with large stands of aspen. As previously stated, the proposed project is within an existing site with the associated disturbance normally found with the authorized use of the site.

The Colorado Bird Conservation Plan identifies 13 vegetation habitat types in Colorado. The habitat classifications were developed by Rocky Mountain Bird Observatory (RMBO) staff along with individuals who contributed to early development of the conservation prioritization scheme. Of these 13 habitat categories, only 2 (aspen and spruce-fir) are dominant in the project area. See the Migratory Bird section for habitat descriptions.

Many wildlife species can be found in the habitat types present in the project area. These include, but are not limited to: elk, mule deer, black bears, mountain lions, small mammals and a variety of raptors. Wildlife species found in the project area are limited during the winter months. The area contains deep snow and few species can effectively utilize this type of habitat at this time of year. Snowshoe hares would be the most commonly found species.

Environmental Consequences/Mitigation:

Proposed Action: The proposed project is within an already disturbed site and would not involve any new disturbance except for burying 40 feet of electrical line to the new building. The establishment of a new facility would likely result in increased human activity but this would be minimal. Implementing the proposed action would result in a short-term disturbance in the area during construction, but would not impact terrestrial wildlife species.

Recommended Mitigation Measures: None

No Action Alternative: This alternative would not impact terrestrial wildlife species.

Recommended Mitigation Measures: None

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope:

The project area is adjacent to a subdivision with numerous roads and substantial human activity. As mentioned previously, establishing an additional communications facility at this site will likely result in an increase in human activity on the access road and at the

site. Except for the construction phase, this would be infrequent when maintenance activities were needed.

Finding on the Public Land Health Standard for Plant and Animal Communities (partial, see also Vegetation and Wildlife, Aquatic): The proposed action will have no effect on the public land health standard for plant and animal communities.

OTHER NON-CRITICAL ELEMENTS: For the following elements, those brought forward for analysis will be formatted as shown above.

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Cadastral Survey		X	
Fire		X	
Forest Management		X	
Geology and Minerals		X	
Hydrology/Water Rights		X	
Law Enforcement	X		
Paleontology	X		
Noise	X		
Range Management	X		
Realty Authorizations		X	
Recreation		X	
Socio-Economics	X		
Transportation & Access		X	
Visual Resources			X

VISUAL RESOURCES

Affected Environment: The communication site is within an area along U.S. 160 that is managed for Visual Resource Management (VRM) Class II objectives. This portion of the highway crosses the Sangre de Cristo Mountains near North La Veta Pass. In certain areas, the view from the highway includes vistas of the Spanish Peaks and the Sangre de Cristo Mountains. This portion of the highway also includes many areas of tree-covered ridges that obscure expansive views to the surrounding high peaks. The communication site is located on a tree-covered ridge that is approximately 3.5 miles from the highway.

VRM Class II areas are highly valued for visual resources. Management activities may be seen, but should not attract the attention of the casual observer.

Environmental Consequences/Mitigation:

Proposed Action: The construction would occur within the existing authorized communication site. The building, propane tank, and aerial power line would not be visible from US 160; however, the upper portion (approximately 20 to 30 feet) of the 60-foot tower including the microwave dishes may be visible. Along this part of US 160, the speed limit varies between

55-65 miles per hour. Based on the speed limits in this area and the distance to the communication site, it is unlikely that the tower would attract attention.

Recommended Mitigation Measures: The color of the tower and microwave dishes may need to be modified ensure that they do not attract attention when viewed from US 160. A paint sample (color chip) showing the color to be used on the tower and microwave dishes should be submitted for BLM approval prior to installation.

No Action Alternative: Visual resources would not be impacted because the 60 foot tower would not be constructed.

Recommended Mitigation Measures: None.

Cumulative Impacts of the Proposed Action: Geographic scope; Time Scope: Visual intrusions in the area include another communication site, power transmission lines, highways, roads, and fences. The Proposed Action would occur within an existing communication site. The visual intrusions of the tower, building, propane tank and aerial power line would not significantly change the visual character of the area.

CUMULATIVE IMPACTS SUMMARY: The project area is adjacent to a subdivision with numerous roads and substantial human activity. As mentioned previously, establishing an additional communications facility at this site will likely result in an increase in human activity on the access road and at the site. Except for the construction phase, this would be infrequent when maintenance activities were needed. The visual intrusions of the tower, building, propane tank and aerial power line would not significantly change the visual character of the area.

PERSONS / AGENCIES CONSULTED: State of Colorado, Public Service Company of Colorado, Tri-State Generation and Transmission Assn. Inc., Forbes Wagon Creek Ranch Homeowners Assn.

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Debbie Bellew	Realty Specialist	Realty
Jim Backstrand	Wildlife Biologist	Wildlife, T&E, Migratory Birds
Mike Gaylord	Fire Mit./Educ. Spec.	Air, Hazardous Materials
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands
Mike Cassell	Surface Reclamation Spec.	Soils
Tom Grette	Range Management Spec.	Range, Vegetation, Farmland, Weeds
Jack Hagan	Law Enforcement Ranger	Law Enforcement
Tony Mule'	Cadastral Surveyor	Cadastral Survey
Leah Quesenberry	Outdoor Recreation Planner	Recreation, Wilderness, Visual, ACEC
Ken Reed	Forester	Forestry
Ed Skerjanec	Fire Management Officer	Fire
John Smeins	Hydrologist	Hydrology, Water Quality/Rights
Melissa Smeins	Geologist	Minerals, Paleontology

Ty Webb
Monica Weimer
Cora Whisenhunt

Prescribed Fire Specialist
Archaeologist
Park Ranger

Air, Vegetation
Cultural, Native American
Transportation and Access

FONSI

DOI-BLM-CO-200-2009-0020 EA

Based on review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects from any alternative assessed or evaluated meet the definition of significance in context or intensity, as defined by 43 CFR 1508.27. Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below:

RATIONALE:

Context:

The radio tower project is situated at an existing radio tower location on a high, forest covered, mountain ridge between the Front Range to the east and the San Luis Valley to the west. Populations are small in this region of the state existing as mountain subdivisions to the east and west, with the small town of La Veta down slope approximately 10 miles to the east and the town of Walsenburg roughly 15 miles beyond La Veta. The location and low impact nature of the project relegates it to one of only local significance.

Intensity:

Impacts that may be beneficial and adverse: Beneficial impacts of the new micro wave tower would include providing a video link for programming to the public from Walsenburg into the San Luis Valley. Most adverse impacts are short term in nature and include a possible reduction in air quality during construction, the potential for the introduction of noxious weeds and soil movement in disturbed areas, and possible short term disturbance of migratory birds. If lynx are present as a T&E species, there may be increased competition from other predators during snow covered periods in areas where the snow is compacted. With the facility already in place, there would only be a short term disturbance in terrestrial wildlife. The only long term adverse effect is with visual resources. The radio tower facility exists within a class II VRM area and the micro wave tower being 60 feet tall might be visible from U.S. Highway 160. Stipulations in class II VRM areas states that management activities can be seen but should not attract the attention of the casual observer.

Public health and safety: There are no substantive issues with the project concerning health and safety. There could possibly be a short term air quality issue with dust during construction.

Unique characteristics of the geographic area: The EA evaluated the area of the proposed action and determined that no unique geographic characteristics such as: wild and scenic rivers, prime or unique farmlands, areas of critical environmental concern or designated wilderness areas or wilderness study areas; were present.

Degree to which effects are likely to be highly controversial: There is no disagreement or controversy among ID team members or reviewers over the nature of the effects on resource values in the proposed action.

Degree to which effects are highly uncertain or involve unique or unknown risks: BLM has a long history of managing public lands for multiple-use. The granting of a communications use lease is one part of that multiple-use mandate. Given the BLM's institutional knowledge on this subject, all risks were considered in the EA and were found to be neither unique nor unknown.

Consideration of whether the action may establish a precedent for future actions with significant impacts: The granting of this communications use lease is a routine action (43 CFR 2800) and contains no unique elements that would make it a precedent setting action.

Consideration of whether the action is related to other actions with cumulatively significant impacts: The new communications equipment will be installed within the confines of the existing communications site and will not add significantly to the cumulative effects of other communications facilities within the compound.

Scientific, cultural or historical resources, including those listed in or eligible for listing in the National Register of Historic Places: No unique scientific values or cultural or historical resources exist within the communications site right-of-way.

Threatened and endangered species and their critical habitat: The lynx is the only T&E species with the potential to be present in the area. The addition of the equipment to the existing communications site would not have a significant effect on the lynx or its habitat.

Any effects that threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment: The proposed action conforms with the provisions of NEPA (U.S.C. 4321-4346) and FLPMA (43 U.S.C. 1701 et seq.) and is compliant with the Clean Water Act and The Clean Air Act.

DECISION RECORD

DECISION: It is my decision to grant a communications use lease to Mountain Broadcasting, Co., Inc. for the purpose of constructing and maintaining a TV broadcasting and mobile radio repeater (broadcasting TV audio signals) communications facility and a short distance of powerline, and for the use of an existing road and powerline across the following public lands:

Sixth Principal Meridian
T. 29 S., R. 70 W.,
Section 24: Lot 3.
Comprising approximately 0.56 acres.

The 30-year lease will be granted under the authority of Title V of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1713), and administered under the authority of 43 CFR 2800. Other conditions of the grant are noted below.

I adopt the proposed action and all recommendations and mitigation measures for that alternative contained in the Environmental Assessment No. DOI-BLM-CO-200-2009-0020 as my decision, as well as the mitigations and proposals contained in the applicant's Plan of Development (unless stipulated below). The stipulations to be included in the lease are contained in Attachment 1 to this Decision. In addition, it is my decision to have Mountain Broadcasting Co., Inc. reimburse BLM for administrative costs spent on monitoring or otherwise implementing mitigations contained in the environmental assessment.

RATIONALE: There are no pending or authorized lands actions which might conflict with this proposed action. The decision to allow the proposed action does not result in any undue or unnecessary environmental degradation and is in conformance with the Royal Gorge Resource Management Plan, approved May 13, 1996.

This facility will be used as a television broadcast site to relay audio/video signals to the Alamosa area. In the future, the applicant would like to use the site to link video from Alamosa back to Walsenburg. The La Veta Pass Communications Site is the only site that allows for microwave paths between Walsenburg and Alamosa; thus, providing an integral service to the Alamosa and Walsenburg communities. In addition, the facility will be constructed in a manner that will allow for future expansion and subleasing.

MITIGATION MEASURES:

1. The Migratory Bird Treaty Act requires that there be no vegetation disturbance from May 15 thru July 15 to protect birds during the nesting season. This measure insures that there is no "take" of migratory birds.
2. Avoid winter travel on the access road as much as possible.
3. Seed disturbed areas with a weed free native seed mixture at project completion for faster vegetation recovery.

4. Construction should take place during a dry period when soils are not muddy to avoid any undue erosion.

5. The color of the tower and microwave dishes may need to be modified to ensure that they do not attract attention when viewed from US 160. A paint sample (color chip) showing the color to be used on the tower and microwave dishes should be submitted for BLM approval prior to installation.

COMPLIANCE/MONITORING (optional): Debbie Bellew, Realty Specialist, shall be responsible for monitoring construction. The site will be inspected for noxious weeds for two growing seasons and water erosion problems after the project is complete.

NAME OF PREPARER: Debbie Bellew, Realty Specialist

SUPERVISORY REVIEW: Leslie Peterson (Acting Non-Renewable Resources Supervisor)

NAME OF ENVIRONMENTAL COORDINATOR: Martin Weimer

DATE: 3/4/09

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Roy L. Masinton
Roy L. Masinton, Field Manager

DATE SIGNED: 03/05/09

APPENDICES:

ATTACHMENTS: Attachment 1

EXHIBITS: A and B

Required Stipulations

1. The holder shall contact the authorized officer at least 10 days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plans(s) of development.
2. The right-of-way herein granted is conditioned upon the submission to the authorized officer of a copy of an approved license and/or renewal license granted by the Federal Communications Commission (FCC) or Interdepartmental Radio Advisory Committee (IRAC) for each electronic station installation authorized by this grant or future amendment to this grant. A copy of the FCC or the IRAC authorization shall be submitted within 90 days of issuance of this grant or within 90 days following approval of an amendment to this grant. Failure to submit the FCC or IRAC authorization copy within the time specified shall be grounds for termination of this grant or cancellation of an amendment to this grant. The authorized officer may grant an extension of up to 90 days, if requested in writing by the holder.
3. The holder shall not allow the operation of any electronic equipment in the building or on the site unless and until the user has obtained a license from the Federal Communications Commission or the Interdepartmental Radio Advisory Committee.
4. The holder shall notify the authorized officer of any intent to locate additional users within or upon their existing facilities, not less than 45 days prior to occupancy of holder's facilities. Information that must be included is:
 - (1) Name, current address, and phone number of the third party.
 - (2) Expected date of occupancy.
 - (3) A photo or sketch illustrating the type of antenna to be installed, as well as any other planned physical changes to the exterior facilities operated by the holder. If the proposed use is not specified in the original right-of-way grant, an amendment will be required.
5. The holder shall accept all applications for compatible uses of the facility on a first-come first-served basis. If an applicant agrees to comply with all the terms and conditions for use of the site contained herein, obtains a Federal Communications Commission or Interdepartmental Radio Advisory Committee authorization, and there is space available, the holder may not refuse to enter into a use agreement with applicant.

6. The holder shall place no unreasonable restriction on persons who service units belonging to users of the building, providing the servicing personnel are qualified and licensed to service the type units involved.
7. At any time a government agency wishes to make use of the facility, its application shall become the first application in line for available space.
8. Utility and service facilities constructed by the holder, including but not limited to power and telephone lines, roads and fences, within the reasonable capacity of such facilities, shall be available for use by the United States for the construction and operation of electronic facilities installed by the United States without any contribution for construction costs of such facilities. The United States agrees to pay the rental, as determined by a mutually acceptable method, for any use made of buildings, antenna tower(s) or other structures belonging to the holder.
9. Federal Government agencies shall be provided 20 percent of building space at no charge for the installation of communication facilities. Federal agencies shall be required to enter into available combining systems whenever technically feasible, and the cost of combiner ports shall be paid by the Federal Government at the same cost as paid by other users.
10. Twenty percent of the microwave antenna capacity of the tower (based on wind loading) shall be available for Federal Government use. If the government has not installed microwave equipment at the time only 20 percent of tower capacity remains, the holder may allocate remaining capacity to customers.
11. The holder shall upon request furnish the authorized officer a current price schedule for all services provided by said holder to other users, both to such other users using the equipment owned by the holder and other users using their own equipment.
12. The holder shall upon request reduce to writing all agreements with authorized third party users of the facilities covered by this grant, specifying therein, as a separate item, the rental and service charge for the use of said facilities, and will furnish a true copy of each such agreement and changes therein to the authorized officer.
13. It will be the responsibility of the holder to ascertain whether existing facilities on the same or adjoining sites will adversely affect the proposed operations. Holder will accept operations, i.e., frequencies, emissions, power output, radiation fields, antenna arrays, etc., of existing facilities on the same or adjoining sites, provided such operations are consistent with the regulations of the Federal Communications Commission, if a non-Federal Government use, and the Standards of the Interdepartmental Radio Advisory Committee, if a Federal Government use.
14. Copies of the amended Federal Communications Commission license or Interdepartmental Radio Advisory Committee frequency assignment must be filed with

the authorized officer before modification of previously authorized facilities will be approved.

15. This right-of-way shall terminate 60 days after expiration or cancellation of the Federal Communications Commission license or Interdepartmental Radio Advisory Committee radio frequency assignment, unless renewal is obtained within this period and a copy of such renewal is furnished to the authorized officer.
16. The following clause must be made a part of every sublease or use agreement associated with this grant.

In the event of termination of this right-of-way grant, sub lessee shall, at the option of the BLM authorized officer, either transfer to the next BLM designated holder as lessee or apply for a right-of-way in his/her own name.

17. In the event the grant is terminated for any cause, the holder agrees that, if the authorized officer so elects, holder will convey by quitclaim deed all improvements on the site necessary to operate the multi-user facility (other than equipment on site used solely by the holder) to the next holder authorized by the BLM, upon payment of fair market value as determined by the BLM appraisal for the improvements on the date of termination.
18. The building shall be posted with "Communications Site Authorized by the Bureau of Land Management COC-72177, call (719)269-8500.
19. The communication site and the immediate area shall be kept free of garbage, trash, and waste. Any equipment or materials not in use shall be removed from public lands immediately.
20. Holder will not conduct any surface disturbance activities during the period from May 15 to July 15 for the protection of migratory birds. Any exceptions to this requirement must have prior written approval from the authorized officer.
21. Holder shall avoid winter travel on the access road as much as possible.
22. The holder shall seed all disturbed areas with a weed-free, native seed mixture, using an agreed upon seed mixture and method suitable for the location, at project completion for faster vegetation recovery. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season.
23. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way when soils are muddy.
24. Holder shall submit, for the authorized officer's review and approval, a paint sample (color chip) showing the color to be used on the tower and microwave dishes prior to installation.

25. Antenna support structure (tower) shall be designed and certified by a Professional Engineer, registered in the State of Colorado.
26. The antenna support structure (tower) shall be galvanized steel. The tower shall reflect uniformity of design and materials for the entire site. Antenna tower shall be jointly used when electronically compatible.
27. The tower shall meet Electronics Industries Associates Standard RS-222-C, Structural Standards for Steel Antenna Towers.
28. All installations, antenna supports, etc., shall be constructed and maintained in a neat and safe condition in accordance with good engineering practices as accepted by industry and applicable laws. Antenna supports shall conform to the installation specifications of the tower manufacturer. Any variance from these standards shall be allowed only to the extent required because of local terrain or obstructions at the site, and all variances shall conform to good engineering practice.
29. All metallic structural materials shall be galvanized, plated, or coated. Dissimilar metals will not be placed in contact with each other in such a manner that could create a galvanic junction.
30. All structures shall meet the requirements of the latest codes governing designs of facilities as outlined in the Uniform Building Codes. All structures shall be designed to meet minimum loads for a wind velocity (complying with Huerfano County's requirements).
31. All electric facilities, equipment, and their installation shall conform to the current National Electrical Safety Code and applicable laws and all regulations.
32. Installations shall include an effective lightning ground in accordance with the "cone of protection" theory. All electrical outlets shall be of the three-conductor grounding receptacle type. All electrical or electronic equipment cabinets shall be properly connected to the system ground. Structures shall be designed for maximum lightning protection through bonding and a grounding system.
33. Standards and specifications for raceways, switching, grounding, wiring methods, and materials shall be equivalent to or greater than those issued by the National Fire Protection Association in its most current National Electrical code.
34. Holder shall within 30 days following completion of the facility, submit proof of construction. Said proof shall include "as built" drawings of site construction, including location of building and tower. Final approval and occupancy will not be allowed until these drawings are approved by the authorized officer.
35. Holder shall file, within 30 days of completion of construction and before proof-of-construction is approved, certification by a Professional Engineer, registered in the State of Colorado that the antenna support structure (tower) was constructed in conformance with the approved design.
36. The holder shall provide a bond, acceptable to the authorized officer, in the amount of \$ 5000, to be maintained until the electronic operations of the holder have been accepted by the authorized officer. Said period of bond maintenance shall not be less than six (6) months following the completion of construction and continuous operation of the holder's electronic equipment authorized by this grant. Upon acceptance of the electronic operations of the holder, the authorized officer may terminate or reduce the amount of the bond.

Exhibit "A"

KSPK RADIO EASEMENT

SECTION 24, TOWNSHIP 29 SOUTH, RANGE 70 WEST, 6th P.M. COUNTY OF HUERFANO, STATE OF COLORADO



LEGEND

- X CHISEL IN SANDSTONE ROCK
- POWER POLE
- FOUND 5/8" REBAR, WITH YELLOW CAP, PLS 10389
- FOUND GLO BRASS CAP
- (Power) — OVERHEAD POWER LINE
- BOUNDARY PER UNIT I OF FORBES WAGON CREEK RANCH
- FOREST SERVICE BOUNDARY PER 1921 RE-SURVEY
- CENTERLINE EXISTING ROAD

BASIS OF BEARINGS: N02°32'20"W, per GPS (RTK - WGS 1984) observation between the closing corner common to Sections 12 and 13 on the North and the closing corner common to Sections 13 and 24 on the South, monumented as shown herein.

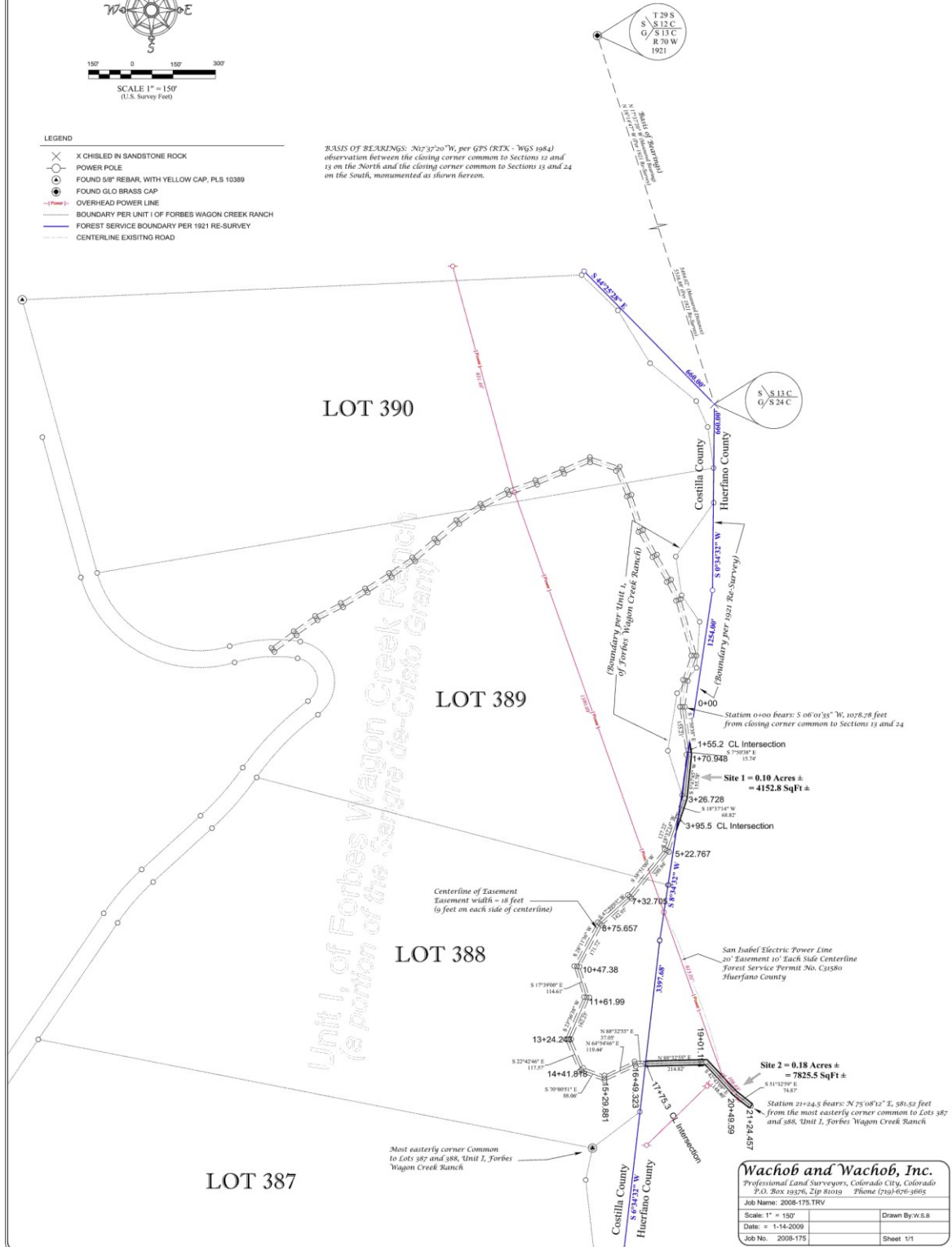


Exhibit B

**COMMUNICATIONS SITE PLAN OF DEVELOPMENT
LA VETA PASS TELECOMMUNICATIONS SITE**

**For :
MAINSTREET BROADCASTING COMPANY, INC.**

**Dated:
November 26, 2008**

**COMMUNICATION SITE PLAN OF DEVELOPMENT
LA VETA PASS TELECOMMUNICATIONS SITE
MAINSTREET BROADCASTING COMPANY, INC.**

November 26, 2008

1. Purpose and Need of the Facilities

- a. **What will be built:** Mainstreet Broadcasting Company, Inc., is proposing to construct 1 60-foot free-standing tower plus one 10-foot by 10-foot building to house its electronic equipment and generator.
- b. **What is use:** Mainstreet intends to use this facility as a television broadcast site to relay video signals from Walsenburg to Alamosa. Mainstreet also intends to transfer its currently-existing equipment at the La Veta Pass Telecommunications Site from the Tri-State Generation building to its own, new building, and therefore is proposing that this site will also be used to relay mobile radio signals between Walsenburg and Alamosa, as is currently the function of Mainstreet's equipment in the Tri-State Building.
- c. **What is size:** Mainstreet is proposing to construct a 60-foot tall, 3-sided self-supporting tower, with 36-inch sides. The base of the tower will be located about 10-feet from Mainstreet's proposed building, which will be a 10-foot by 10-foot stucco-over-wood-frame building with a concrete foundation. (See enclosure attached marked "Exhibit A - Tower Elevation" for further specifications.
- d. **Can it be housed within an existing site as a sublease:** There are currently two permittees at the La Veta Pass Telecommunications Site. The first is Tri-State Generation, where Mainstreet currently has an agreement to sublease. Tri-State's site easily accommodates Mainstreet's mobile radio equipment, however, Mainstreet is now proposing to install two 8-foot microwave dishes. Tri-State's "tower" at the site is simply a 40-foot telephone pole. While the telephone pole works well to support Mainstreet's mobile radio antennas, the pole is neither tall enough nor strong enough to hold 2 8-foot microwave dishes. The second permittee at the site is the State of Colorado. The state's tower is sufficient to hold Mainstreet's proposed dishes, however, the state's tower and building are both full, as La Veta is a major communication facility for the State of Colorado. Mainstreet also investigated locating on the state's tower when it originally located equipment at La Veta and was told that, due to security reasons, the state does not sublease its towers. Given the discussion above, Mainstreet believes that its best option at this point is to construct its own tower capable of holding the antennas for its proposed microwave path, and to then move its existing mobile radio antennas at the site to its new building as well.
- e. **Can it be constructed to allow for future expansion and permit subleasing of the facility:** Yes. Mainstreet needs the 60-foot tower that it has proposed in an effort to locate the microwave dishes above the trees at the site. Because of the height needed, there will be additional space on the tower available to others who may want to sublease from Mainstreet. Mainstreet is also proposing a building that will be large enough to hold about twice the equipment that Mainstreet

intends to place in the building, and therefore, additional building space will also be available for a sublease.

- f. Can it accommodate government agencies as sublessee:** Yes, as long as the said government agency is satisfied with the security and backup facilities that Mainstreet maintains at its sites.
 - g. Is this ancillary to an existing right-of-way:** Yes. The La Veta Pass Telecommunications Site is already home to two other permittees. Mainstreet proposes that the current right-of-way and access road are more than adequate for Mainstreet's needs.
 - h. List alternative routes or locations:** The current access road to the site is more than adequate for Mainstreet's needs. Another developed site that is capable of relaying microwave signals from Walsenburg to Alamosa is not available, making the La Veta site the only, and best, choice for Mainstreet.
- 2. Right-of-way Location**
- a. Legal description of the facility:** The legal description of the public lands in this proposal is as follows:

Township 29, Section 70 West, Sixth Principal Meridian, Colorado
Section 13: Lot 7, NE1/4SW1/2
Section 24: Lots 2 and 3
 - b. Maps:** Please see "Exhibit B" for a map of the location. I have marked the appropriate location as the "La Veta Pass Telecommunications Site". Please also see "Exhibit C" for a map of the current right-of-way with the proposed Mainstreet installation shown.
 - c. Drawings of typical tower installation, shelters and guy wire configuration:** Mainstreet's proposed tower will be self-supporting with 3-foot sides and a triangular base. Please see Exhibit A for Tower Elevation drawings. Please also see Exhibits D-F for tower specifications, tower foundation specifications and for building specifications.
 - d. Engineering design drawings and/or standards for roads, drainage and power lines:** Mainstreet's proposal does not necessitate the construction of any roadways nor does Mainstreet propose to change the existing grade of the La Veta Pass Telecommunications Site. Power for Mainstreet's site would be obtained from an already-existing power pole which is located approximately 30-40 feet north of Mainstreet's proposed installation. Mainstreet would prefer that said power line to Mainstreet's building be placed underground which would merely necessitate the digging of a trench between Mainstreet's building and the power pole.
- 3. Facility Design Factors**
- a. Design factors to be considered include wind loads, type and color of structures, wiring standards, suitability of soils and geology for placement of the facility:** The foundation for the tower has been designed for a wind-loading to the tower of 120 miles per hour. Given Mainstreet's experience in building towers and familiarity with the site, Mainstreet believes that it will be able to successfully excavate to a depth of 3 to 4 feet over a 15-foot by 15-foot square area. The foundation has been designed, and over-sized, assuming that bedrock will not be found in the excavation, however, if bedrock is found and/or if Mainstreet finds that it cannot excavate to a depth of 3 to 4 feet without striking

bedrock, then the foundation will be redesigned to include anchors to the bedrock to further strengthen the foundation. The size of the tower was determined such that it will be capable of holding two 8-foot, solid, microwave dishes at a height that will enable the paths from Walsenburg and to Alamosa to clear the trees at the site. Mainstreet intends to leave the tower a gray color as Mainstreet has found that the typical gray-colored tower blends in better with the sky than any other color. Mainstreet intends to paint its building green with a black roof, as it has done at its other sites, to best blend in with the surroundings. All transmission line is black and will be appropriately attached to the building, ice bridge and tower so that it will be secure in all weather conditions. Electric wiring inside and outside the building will be in conduit in accordance with the State Electrical Code.

- b. Technical data information:** Please see the attached Exhibits A through F for all design specifications.
- c. List temporary use areas that are needed:** Mainstreet requires a place to pile and store the gravel removed from the surface of the site during excavation for the foundations for the tower and building. This area will be needed until the project is complete. Mainstreet also requires a place to pile and store the soil excavated from both foundations. This area will be needed until the tower and building foundations are complete and can be backfilled. Mainstreet suggests using the open area immediately to the east of its proposed site. Both “piles” will be eliminated by the completion of construction. Mainstreet proposes that all other supplies that it needs at the site will be brought to the site as they are needed, so no other specific areas will be needed to store supplies.
- d. Required associated rights-of-way, including access roads, power lines:** Mainstreet will need as right-of-way, the land that will lie underneath its proposed installation as well as a 10-foot easement around the building and tower foundations. Mainstreet will also require an easement to bring electrical power from the power pole about 30-40 feet north of its proposed building to its building. Mainstreet proposes that the electric line will be run underground between the two points. Finally, Mainstreet will need a right-of-way to place a propane tank near its building and run an underground propane line from the tank to its building.
- e. Length, width, acreage of right-of-way:** Mainstreet is asking to use part of the already-existing La Veta Pass Telecommunications Site for purposes of this application. The La Veta Pass Telecommunications Site is defined as an area of 200 feet by 200 feet, or 40,000 square feet in total, or 0.92 acres more or less. For its purposes, Mainstreet is requesting a plot of 40 feet by 30 feet immediately to the north of the State of Colorado building, or 1,200 square feet, or 0.03 acres more or less.
- f. Compatibility with other users:** Mainstreet’s site will be completely compatible with the two other users of the La Veta Pass Telecommunications Site. Mainstreet is not proposing any high-power equipment at the site, and only plans to use low-power microwave and mobile radio equipment at the site, which is exactly the same as the other two users that are already permitted at the site.

g. Potential conflicts with other communications modes (i.e., mixing high power continuous with low power intermittent operations, obstructions between microwave towers, etc.): Mainstreet does not anticipate any conflicts with any other users of the La Veta Pass Telecommunications Site. Mainstreet will only use low-power equipment at the site (as in “f” above), and is already using the proposed mobile radio equipment at the site as a sub-leasee of Tri-State Generation, without any conflicts. The new equipment Mainstreet is proposing will be for a point-to-point microwave path, which will also be low power and extremely directional. As a broadcast facility, Mainstreet is proposing to use only frequencies available to broadcasters in the Broadcast Auxiliary Services bands and therefore will not have frequency conflicts with the other users at the site. Mainstreet’s proposed tower will be located immediately north of the State of Colorado tower at the site. As the site is mainly used to communicate over La Veta Pass from the east to west and back, Mainstreet’s tower will not cause the State of Colorado tower an obstruction in any of its currently-existing microwave paths, nor will the State of Colorado cause Mainstreet any obstruction in its proposed microwave path. Nonetheless, as with any communications site, Mainstreet asserts that it will follow normal communication site etiquette if and when it may cause interference to another user at the La Veta Pass Telecommunications Site, and will work with the other user(s) to find the cause and eliminate the problem in a timely and professional manner.

h. Required associated rights-of-way including access roads, power lines, material sites: Please see “c” and “d” above.

4. Additional Components

a. List existing components on and off public land: Mainstreet currently maintains a mobile radio repeater in the Tri-State Generation building at the La Veta Pass Telecommunications Site. The repeater ties Mainstreet’s mobile radio equipment to its main studios in Walsenburg. Mainstreet is proposing to build a television microwave path from its main studios in Walsenburg, which will be the originating site, to the top of La Veta Pass, via the La Veta Pass Telecommunications Site, and then repeat the received signal on to its final destination in Alamosa for distribution to Mainstreet’s San Luis Valley transmitter and Alamosa cable.

b. List possible future components on and off public land: Mainstreet anticipates that it will eventually want to use the La Veta Pass Telecommunications Site in the reverse direction, namely to also relay television signals from Alamosa to Walsenburg via the proposed site. However, only the shot from Walsenburg to Alamosa is currently in the plans. Just when Mainstreet would want to build the reverse relay has not yet been determined. If and when Mainstreet would build out the second shot, Mainstreet would not need to add antennas or towers, instead, Mainstreet would use the same tower and antennas for the entire path, simply adding the appropriate transmitters and receivers at each site. The second path would also be licensed in the 6875-7125 MHz Broadcast Auxiliary Services band.

c. Location of equipment storage areas: All of Mainstreet’s equipment will be stored inside its proposed building and no additional equipment storage areas will be necessary.

5. Government Agencies Involved

- a. **Federal Communications Commission:** Mainstreet already holds FCC licenses KC24949 at 161.67000 MHz, WQCQ854 at 455.58750 MHz, and WQCQ860 at 450.61250 MHz and is currently using all 3 frequencies at the La Veta Pass Telecommunications Site. KC24949 and WQCQ860 are both received at the site. WQCQ854 is the only license that currently transmits from the site. Mainstreet is proposing to add two additional frequencies to this site. One will be a receive from Walsenburg. The second will be a transmit to Alamosa. Neither frequency has been determined as of yet, pending this application. Both frequencies will fall in the 6875-7125 MHz band which is the Broadcast Auxiliary Services band for Television Microwave. The two frequencies will be determined and licenses will be applied for following approval of this application.
- b. **State and local agencies:** No state and/or local agencies are involved in this application.

6. Construction of the Facilities

- a. **Will a helicopter be required:** No helicopter will be required for construction of this facility.
- b. **Will temporary access be required:** No. Access via the already-constructed roads is all that is necessary for construction of this facility.
- c. **Will the site be fenced after construction:** The site Mainstreet is proposing will not be fenced after construction, other than the general perimeter fence that is already in existence around the La Veta Pass Telecommunications Site.
- d. **Construction:**
 - i. **Major Facilities:** The major facilities for this discussion shall be defined as the tower, tower foundation and the building foundation. The construction of the two foundations will involve excavation of the area needed for each foundation with the use of a backhoe. The foundations will require approximately 30 yards of concrete which will need to be brought to the site via cement trucks. Due to the terrain of the area, Mainstreet expects that it may take 6 to 8 loads of concrete as the concrete trucks will not be able to be filled to capacity in order that they may make it to the site without spilling any concrete. Mainstreet's proposed tower will consist of 3 20-foot tower sections which will be bolted together and also to the concrete foundation. Each one of the tower sections weighs 750 lbs, so all three will weigh a total of 2250 lbs, or just over 1 ton. Mainstreet may need to make as many as 3 trips to the site, hauling one section each time, in order to successfully move all three sections on site. Mainstreet will also need to use a crane at the site in order to stack the tower sections.
 - ii. **Ancillary Facilities:** The ancillary facilities for this discussion shall be defined as the building, antennas, and the electronic equipment to be installed inside the building. All of the ancillary equipment can be transported to the site via a standard pickup truck. Mainstreet estimates that it will need 20 to 30 loads of lumber, other building materials, antennas and equipment in order to complete the site. All of the building construction, antenna and equipment installation will be handled manually

and without machinery, other than a small cement mixer to be used to mix stucco and concrete for small foundations for the proposed ice bridge and propane tank.

- e. **Work Force:** Mainstreet anticipates that it will use 2 to 3 workers at the site during construction, other than the additional workers that it will take to pour concrete and erect the tower. Mainstreet anticipates that, other than heavy equipment, its workers will use 1 to 2 pickup trucks to access the site during construction.
- f. **Flagging or staking the right-of-way:** Mainstreet believes that it will only need to stake the foundations before excavation commences. Mainstreet does not believe that any additional flagging or staking will be necessary.
- g. **Clearing and grading:** Mainstreet does not believe that it will need to do any clearing or grading as the majority of the existing right-of-way for the La Veta Pass Telecommunications Site is already cleared and graded and is acceptable as is for Mainstreet's proposal.
- h. **Facility construction data:**
 - i. **Description of construction process:** Construction will commence after approval of this application and once the exact site of the tower and building are determined as per the approval of this application. The ground will then be excavated for the tower's foundation, followed by the excavation of footers for the building's foundation. Forms and rebar will then be constructed for each foundation and then concrete will be poured. After approximately a week, forms will be removed from each foundation and dirt will be backfilled as necessary. Next, the tower will be constructed, and finally, the building. Ancillary equipment, such as electronic equipment, the transmission line (ice) bridge, antennas and a propane tank will then be installed to complete the construction process.
 - i. **Access to and along right-of way during construction:** Access to the proposed right-of-way is already in place and no further access needs to be constructed. Access along the right-of-way, or specifically around the proposed site is also already in place and nothing further is necessary.
- j. **Contingency planning:**
 - i. **Holder contacts:** Mainstreet's designated contact is Paul R. Bossert, 516 Main Street, Walsenburg, CO 81089. Office #719-738-3636, Home #719-738-1067, Cell 1 #719-580-0674, Cell 2 #719-580-0520.
 - ii. **BLM Contacts:** Mainstreet has as its contact: Dave Hallock, United States Department of Interior, Bureau of Land Management, 3170 E. Main Street, Canon City, CO 81212. Office #719-269-8500.
- k. **Safety requirements:** Mainstreet does not believe that there are any special safety requirements for this project other than that for any normal construction project. Mainstreet is also experienced in tower construction and rigging and is trained in tower safety and the use of tower safety equipment during the construction and rigging of the tower.
- l. **Industrial wastes and toxic substances:** No industrial wastes or toxic substances will be used in the construction of Mainstreet's proposed site, nor will

there be any need for disposal of any such substances once construction is complete.

7. Resource Values and Environmental Concerns:

a. Address at level commensurate with anticipated impacts:

- i. **Location with regard to designated corridors:** The La Veta Pass Telecommunications Site is already a right-of-way designated for the placement of towers and allowing mobile and microwave radio signals to be transmitted and received. Mainstreet believes that its proposed application will not further impact the site as there are already two towers located at the site. Further, Mainstreet is only proposing to add one microwave receiver and one microwave transmitter to the site as the mobile radio that Mainstreet is proposing for its new tower already exists at the site and will simply be moved to Mainstreet's new site if this application is approved.

b. Anticipated conflicts with resources or public health and safety:

- i. **Air, noise, geological hazards, mineral and energy resources, paleontological resources, soils, water, vegetation, wildlife, threatened and endangered species, cultural resources, visual resources, BLM projects, recreation activities, wilderness, etc:** Mainstreet does not believe any conflicts with resources or public health and safety exist with its proposed tower site. Mainstreet has asked to construct a third tower site in an already-existing right-of-way where it has already been determined that towers may exist without conflict to air, noise, geological hazards, mineral and energy resources, paleontological resources, soils, water, vegetation, wildlife, threatened and endangered species, cultural resources, visual resources, BLM projects, recreation activities, wilderness, etc. The existing right-of-way, while public property administered by the BLM, is surrounded by private property and access to the site is difficult at best, if not impossible, by the general public. Therefore, Mainstreet believes that there are no concerns for public health and safety. All of Mainstreet's proposed communications facilities for the proposed site are also low-power in nature and therefore do not constitute any risk to public health.

8. Stabilization and Rehabilitation:

- a. **Soil replacement and stabilization:** Mainstreet proposes to only disturb the current site as much as is necessary for its construction. As the ground is already level and somewhat covered with gravel, Mainstreet proposes to remove the gravel layer from its construction area before construction. Once construction is complete, and soil has been backfilled and leveled, Mainstreet will return the gravel removed at the beginning to cover any exposed soil. Additional aggregate will be brought in, if necessary, to complete the project.
- b. **Disposal of vegetation removed during construction (i.e., trees, shrubs, etc.):** Mainstreet is not proposing to remove any trees or shrubs as part of this project as the area where Mainstreet is proposing to build has already been cleared and leveled.

- c. **Seeding Specifications:** Mainstreet does not intend to disturb any more of the ground than is necessary to construct the tower and building, and, given the condition of the site that currently exists, does not believe that any re-seeding will need to take place as a result of Mainstreet's construction.
- d. **Fertilizer:** As per #c above, Mainstreet does not believe the use of fertilizer will be necessary at the site.
- e. **Limiting access to right-of-way:** As stated previously, the currently-existing right-of-way is already fenced with a 4-foot barbed-wire fence at its perimeter. Mainstreet is proposing to build within the confines of the currently-existing right-of-way, and therefore doesn't believe any additional fencing is necessary. Also, as stated before, this particular BLM property is surrounded by private land and access to the property is already difficult at best, if not impossible, for the general public.

9. Operation and Maintenance:

- a. **Will all-weather roads be required:** An all weather road will not be required for this proposal. The road that currently exists to access the La Veta Pass Telecommunications Site is already more than adequate for Mainstreet's needs.
- b. **Will operational access to the site require a helicopter:** No.
- c. **Safety:** Mainstreet's personnel are trained in tower and electrical safety procedures and will be the only workers allowed to access the site to perform maintenance, etc. The only exception would be if Mainstreet has the need to employ a tower crew in the future. If that is the case, the tower crew will also be fully trained and bonded, and will only be working at the site under Mainstreet's direction.
- d. **Industrial wastes and toxic substances:** Mainstreet's proposed site will not produce any industrial waste or any toxic substances. Mainstreet does intend to store 500 gallons of propane at the site for a backup generator. Mainstreet also intends to use 12 large batteries at the site in order to run its equipment. Mainstreet will display appropriate signs on its door indicating the presence of the batteries in the building.
- e. **Inspection and maintenance schedules:** Mainstreet intends to visit this site for inspection and maintenance at least once per quarter, or 4 times a year. The site will be built to be self-sufficient and can be controlled via remote control, so other Mainstreet personnel will only need to visit the site for equipment failure other than the trips for routine maintenance and inspection.
- f. **Work schedules:** Same as "e" above. Mainstreet will have remote control capabilities over the proposed site, and so only intends to visit the site 4 times per year other than for equipment malfunction problems.
- g. **Fire control:** Mainstreet's building will be a stucco structure with a metal roof. It will be located on cleared ground with a gravel surface, thereby making it reasonably resistant to fire from the outside. Mainstreet will provide a fire extinguisher for purposes of putting out fires on the inside of the building.
- h. **Long term access:** Again, Mainstreet is only proposing to construct a new tower and building at a currently-existing right-of-way, so the road that currently exists to access the site is more than adequate for Mainstreet's long-term needs.

Mainstreet does offer to help in the maintenance of the road when and if maintenance of the road is necessary.

- i. **Signs:** Mainstreet intends to install a sign on its building that states “Danger, High Power Broadcast Equipment, No Trespassing”. A sign noting that batteries are in use in the building will also be posted. Other than that, it has been Mainstreet’s practice to limit any other signage or information for security purposes.
- j. **Inspections:** Mainstreet is open for inspections and will make a representative available for such inspection with notice from the BLM. Notice should be directed to Paul Bossert at one of the following telephone numbers: Office – 719-738-3636, Home – 719-738-1067, Cell 1 – 719-580-0674, Cell 2 – 719-580-0520.
- k. **Contingency planning:** Mainstreet believes that the best contingency planning is good planning from the beginning. Mainstreet also knows that it is nearly impossible to access the La Veta Pass Telecommunications Site during the winter months, so good planning up front will insure that the site will continue to work for Mainstreet even in severe weather, during the winter months, etc. Mainstreet plans to run its equipment using batteries so that it can have continuous operation even in the event of a power outage. Mainstreet also plans to have service from San Isabel Electric at the site and plans a backup generator to recharge the batteries in the event of an electric failure, which isn’t unheard of at the site. Mainstreet believes that with this plan from the outset, it will be protected as best as it can be from acts of god, severe weather and electrical failure.

10. Termination and Restoration:

- a. **Removal of structures:** Upon termination of this proposed application, Mainstreet agrees that it will remove its building, tower, ice bridge, antennas, and any and all other ancillary equipment that Mainstreet installs at the site.
- b. **Obliteration of roads, building sites, antenna sites:** Mainstreet also agrees that upon termination of this proposed application, it will remove the concrete foundations for the building and tower. Mainstreet will return the surface to as much the same shape as it is currently as possible.
- c. **Stabilization and re-vegetation of disturbed areas:** Mainstreet assumes that the La Veta Pass Telecommunications Site will still be in existence if and when Mainstreet’s use is terminated by the BLM, so Mainstreet proposes that it will cover the soil with aggregate, just as it is now, in order to stabilize the soil of the disturbed area. However, in the alternative, if the La Veta Pass Telecommunications Site is abandoned altogether upon the termination of Mainstreet’s permit, Mainstreet agrees to re-seed the area it has used and will work with the BLM to determine what grasses/vegetation are most appropriate for the site.

EXHIBIT A

Tower Elevation

La Veta Pass Telecommunications Site

(Looking North)

60' Triangular Tower w/ 36" face
Self-Supporting

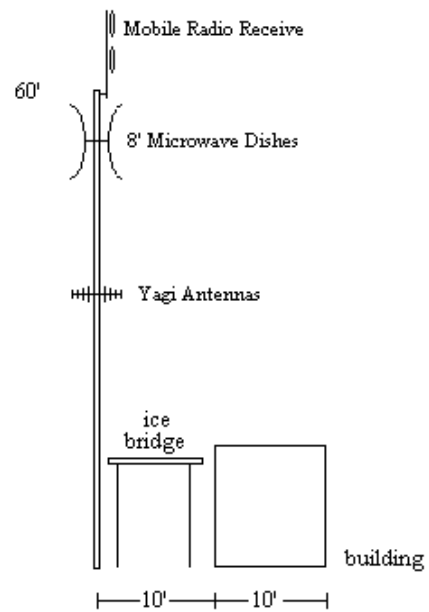


EXHIBIT B

Map Showing Location of the La Veta Pass Telecommunications Site
(Image taken from the Bureau of Land Management map entitled “Colorado, Blanca Peak”)

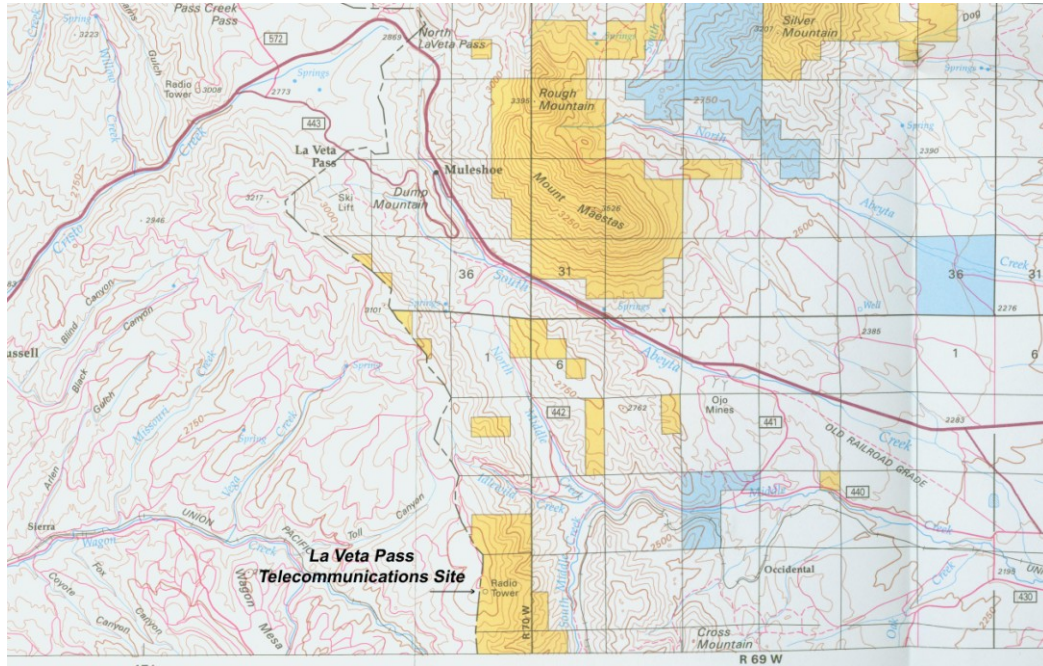
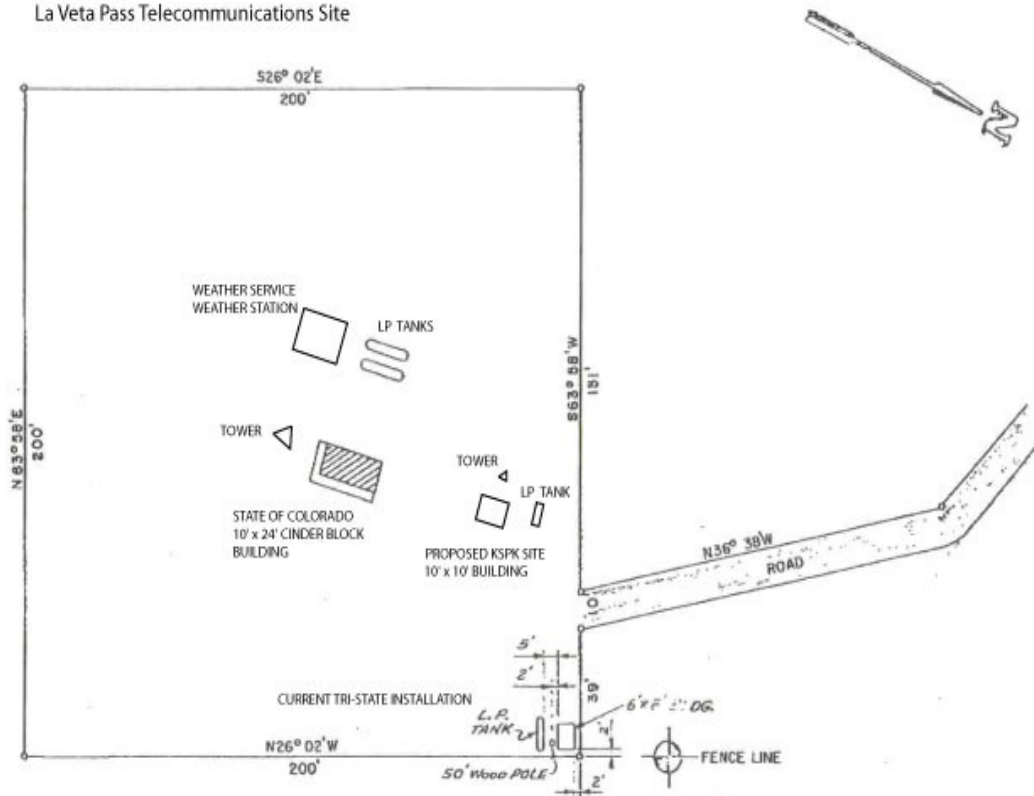


EXHIBIT C

SITE PLAN La Veta Pass Telecommunications Site



STATE OF COLORADO DEPARTMENT OF ADMINISTRATION COMMUNICATIONS DIVISION			
2452 WEST SECOND AVENUE		DENVER, COLORADO	
TITLE PROPERTY PLAT LA VETA PASS STATION			
SCALE 1" = 40'	DATE 17 MARCH 1975	SHEET 1	OF 1

EXHIBIT D

Tower Specifications

La Veta Pass Telecommunications Site KSPK Microwave Tower

(Tower will be self-supporting without guy wires,
3 sections total for a total height of 60 feet.)

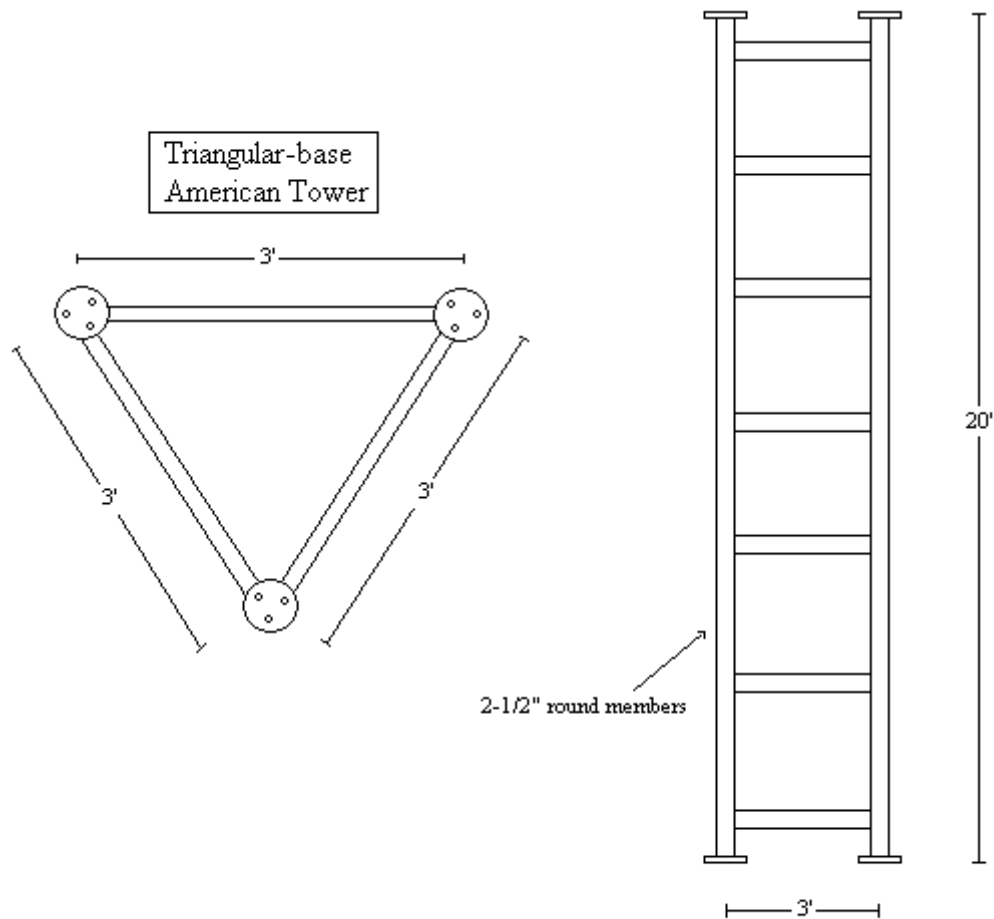


EXHIBIT E

Tower Foundation Specifications

La Veta Pass Telecommunications Site

KSPK Microwave Tower

Foundation will be 5,000 psi concrete with 5/8" rebar throughout. Only riser will show above grade when finished.

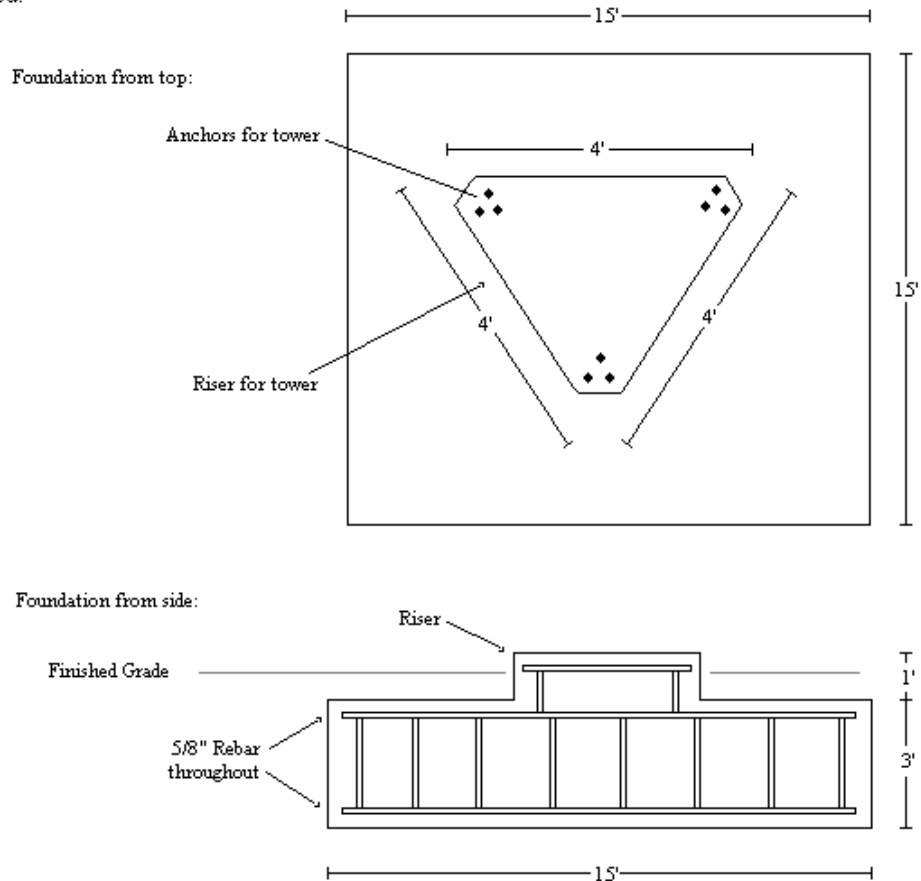
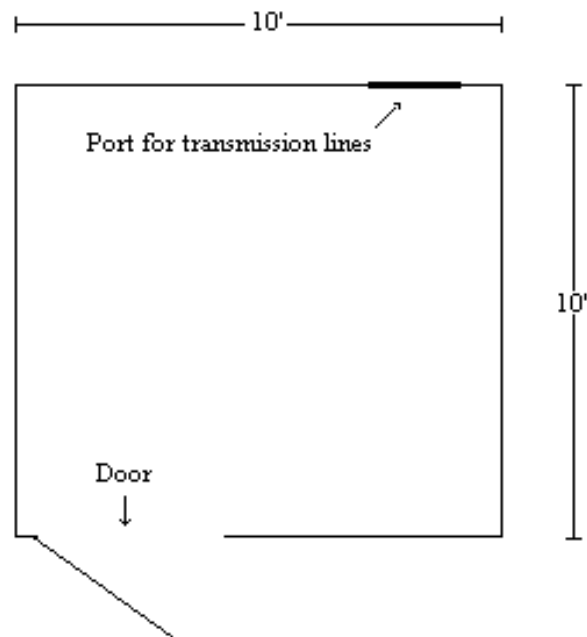


EXHIBIT F

Building Specifications

La Veta Pass Telecommunications Site
KSPK Microwave Tower

Floor Plan:



Elevation:

Wood frame construction
with Stucco finish and metal
roof.
All 2X6 construction with
16-inch centers

